

Information Bulletin

PT 23 (10.17)

Services exempt from OA and DA

Operator accreditation (OA) and driver authorisation (DA) requirements apply to the provision of particular public passenger services in Queensland. This bulletin provides information about services that may be exempt from some or all of these requirements.

OA exemption - taxi services and booked hire services

From 1 October 2017, operators of taxi services and booked hire services (including booked hire services provided in limousines) will not require OA to provide these services. However, if an operator uses a taxi, limousine or booked hire vehicle to provide a service other than a taxi or booked hire service then OA requirements may apply to those services.

Drivers of taxi services and booked hire services must hold Booked Hire/Taxi (BHTX) DA for these services.

OA and DA exemptions - community/courtesy transport services

OA and DA requirements do not apply to a community or courtesy transport service in any of the following circumstances.

- (a) If the service is not available to the general community¹ (regardless of the number of vehicles or type of vehicle used to provide the service).
- (b) If no more than two vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence.²
- (c) If the service is a locally significant event service.³

¹ A service is available to the general community if any member of the community is capable of meeting requirements for using the service. In other words, if a condition of receiving the service can be easily met by any member of the community then the service is available to the general community.

A service is not available to the general community if a condition of travel cannot be easily met by any member of the community. Restrictions to travel may include, but is not limited to, matters such as age, disability or medical conditions. Examples are provided in Attachment 1.

² A 'class C driver licence' (commonly understood to be a driver licence for a car) can be used to drive a motor vehicle, other than a motorbike, with a seating capacity for 12 or less adults (including the driver) and that has a gross vehicle mass of not more than 4.5t.

³ A locally significant event service is a public passenger service—

- (a) operating in or near a local government area with a population of less than 2,500 people (according to the most recent estimated resident population for the area stated on the Australian Bureau of Statistics website); and
- (b) provided, free of charge, for carrying passengers to or from an event (such as an annual show day or race day) that is held no more than twice a year in or near the area and open to attendance by the general public, either free of charge or on payment of an entry fee; and
- (c) for which no more than two motor vehicles are available, at any time, to provide the service.

Operators who provide more than one community transport service

If an operator intends on providing more than one service, each service must be assessed independently to determine the applicability of OA and DA requirements for each service. Some services provided by an operator may require OA and DA while other services provided by the same operator, may be exempt.

Additional information

This bulletin has been produced as a guideline and is not a reference to a point of law. Clarification of any information in this bulletin may be obtained by contacting a regional passenger transport office. Contact details can be found at translink.com.au/contact-us

The *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2005* and *Transport Operations (Passenger Transport) Standard 2010* can be accessed on the internet at legislation.qld.gov.au

Additional information about public passenger services is available on the Department of Transport and Main Roads internet site at tmr.qld.gov.au/information_bulletins.

Attachment 1

Examples

Services available to the general community

1. Membership of a bowls club is open to the general community. The club provides a courtesy transport service bus to club members and guests. The service is available to the general community.
2. A service provided to meet the transport needs of a broad-based group within the community would be considered available to the general community unless criteria restrict who might use the service.
3. A sporting club or surf lifesaving club providing transport for members and guests to attend its club house for social activities is considered available to the general community.
4. A service operated to take members of the general public to a local community or medical centre.
5. A bus operated by a hotel, tourist resort, or backpacker hostel, which provides a pick-up and drop-off transport service for guests and clients.

Services not available to the general community

A service is not available to the general community if, in order to receive the transport service, a person needs to meet eligibility criteria that cannot be easily met by any member of the community. Such criteria may include, but is not restricted to, matters such as age, disability, or medical condition.

1. A service provided only to persons with a disability and their carers is not available to the general community.
2. A service provided solely for the clients of a particular facility (for example, a respite centre or nursing home) is not available to the general community.
3. A sporting club providing transport to training and sporting events for officials, team members, and parents and guardians of team members is not available to the general community.
4. Community transport services not available to the general community include services provided solely for the benefit of:
 - (a) refugees
 - (b) residents of aged care homes, respite care facilities, group homes or institutions
 - (c) clients of respite centres
 - (d) students of a school, university or TAFE.